

17 February 2009

Our ref: LAC 4 March 2009  
Your ref:  
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To: Councillors: D. Barnard, T. Brindley & J. Cunningham

Dear Councillor,

A meeting of the

**LICENSING AND APPEALS COMMITTEE  
(SUB-COMMITTEE)**

will be held in

**The Council Chamber  
COUNCIL OFFICES, GERON ROAD,  
LETCHWORTH GARDEN CITY**

on

**WEDNESDAY, 4 MARCH 2009**

at

**4.00 p.m.**

To hear the following application under the Licensing Act 2003:

**REVIEW OF A PREMISES LICENCE FOLLOWING A RESPONSIBLE AUTHORITY  
REQUEST IN RESPECT OF BALDOCK CONVENIENCE STORE, 25 LONDON  
ROAD, HERTS. SG7 6NB**

Yours sincerely,



David Miley  
Democratic Services Manager

**NORTH HERTFORDSHIRE DISTRICT COUNCIL  
LICENSING ACT 2003  
HEARING PROCEDURE**

<p>1. Chair's Welcome</p> <p>Introduction of:</p> <ul style="list-style-type: none"> <li>• Councillors sitting on Sub-Committee (Sub-Committee);</li> <li>• legal advisor;</li> <li>• licensing officer;</li> <li>• officers of responsible authorities;</li> <li>• interested parties (objectors); and</li> <li>• the applicant.</li> </ul>	
<p>2. The Chair will outline the procedure for the hearing</p>	
<p>3. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing.</p>	

<p><u>The Licensing Officer's report</u></p> <p>4. The Chair will ask the Licensing Officer if they have anything to add to their report to the Sub-Committee; if there has been any changes to the application, and if so, if all interested parties and responsible authorities have been made aware of the changes</p> <p>5. The Chair will ask if there are any questions of fact of the Licensing Officer</p> <p>6. The Sub-Committee may ask questions of the Licensing Officer</p>	
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<p><u>The responsible authorities submit their case</u></p> <p>7. The Chair will ask the responsible authorities, in turn, to present their submissions to the Sub-Committee</p> <p>8. The Chair will ask if there are any questions of fact of the responsible authority</p> <p>9. The Sub-Committee may ask questions of the responsible authority</p> <p>The above process will be repeated if there is more than one responsible authority</p>	
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The interested parties submit their case

10. The Chair will ask the interested parties, in turn, to present their submissions to the Sub-Committee
11. The Chair will ask if there are any questions of fact of the interested parties
12. The Sub-Committee may ask questions of the interested parties

The applicants case

13. The Chair will ask the applicant to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the applicant
15. The Sub-Committee may ask questions of the applicant

Closing statements

16. The Licensing Officer may make final submissions to the Sub-Committee
17. The responsible authorities, in turn, may make final submissions to the Sub-Committee
18. The interested parties, in turn, may make final submissions to the Sub-Committee
19. The Applicant may make final submissions to the Sub-Committee

Conclusion

20. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the Sub-Committee.
21. The Sub-Committee will close the hearing and retire to make a decision.
22. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.

<b>LICENSING AND APPEALS SUB-COMMITTEE</b> <b>4th March 2009</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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**LICENSING ACT 2003**

**REVIEW OF A PREMISES LICENCE FOLLOWING A RESPONSIBLE  
AUTHORITY REQUEST IN RESPECT OF BALDOCK CONVENIENCE STORE,  
25 LONDON ROAD, BALDOCK, HERTFORDSHIRE, SG7 6NB.**

**REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY  
SERVICES**

**1. CURRENT LICENCE ISSUED BY THE LICENSING AUTHORITY UNDER  
THE LICENSING ACT 2003**

- 1.1 The existing Premises Licence was granted by North Hertfordshire District Council on 29th November 2005, following an application to convert an existing licence during the transitional period.. A copy of the licence is enclosed as follows:

## **2. REVIEW APPLICATION**

2.1 The application is for a Review of a Premises Licence following a request by Hertfordshire Constabulary under Section 51 of the Licensing Act 2003.

2.2 On 12<sup>th</sup> January 2009, the Licensing Authority received an application for the review of the Premises Licence from Hertfordshire Constabulary on the grounds:

“Due to an impression of a culture of selling alcohol to local youngsters who are known to staff, the Premises Licence Holder and the Designated Premises Supervisor are failing to promote the licensing objectives of:

The protection of children from harm  
The prevention of public nuisance  
The prevention of crime and disorder”

2.3 As required by the Licensing Act 2003, the Licensing Authority displayed notices of the review at the premises and on the Public Notice Board at the main Council Offices in Gernon Road, Letchworth Garden City.

2.4 Although the initial request for a review relates to three of the licensing objectives, any representation received during the consultation period may relate to any of the four licensing objectives.

2.5 The application for a review is attached below:

### **3. THE CONSULTATION PROCESS**

- 3.1 On the 12th January 2009, the Licensing Authority received an application for a review of the Premises Licence from Hertfordshire Constabulary.
- 3.2 Hertfordshire Constabulary served notice of the application for the review to the Premises Licence Holder and the other Responsible Authorities.
- 3.3 A Public Notice was displayed on the premises and was exhibited for a period of 28 days between 13th January 2009 and 9th February 2009 inclusive. A copy of the notice is enclosed as follows:

#### **4. REPRESENTATIONS**

- 4.1 No representations were received from any other Responsible Authorities.
- 4.2 One representation was received from an Interested Party and is enclosed as follows:

- 4.3 In the witness statements provided by the Constabulary as part of their evidence, some witness names and addresses have been deleted. This was requested due to the sensitive nature of the investigation and is permissible under the Licensing Act 2003 under acceptable circumstances.

Having considered the specific circumstances of this request, the Senior Licensing Officer has agreed to this information being withheld from the public documentation. This information is held by the Senior Licensing Officer and could be made available to the Sub-Committee Members at their request.

- 4.4 The Premises Licence Holder has been served with a copy of the representations.
- 4.5 The Premises Licence Holder, Hertfordshire Constabulary and Interested Party have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the Committee Hearing procedure.

## **5. OBSERVATIONS**

- 5.1 In determining this application, the Committee must have regard to the representations and take such steps, as it considers necessary for the promotion of the Licensing Objectives.
- 5.2 In making its decision, the Licensing and Appeals Committee must act with a view to promoting the Licensing Objectives. It must also have regard to the Licensing Authority's Statement of Licensing Policy and National Guidance.
- 5.3 The Licensing and Appeals Committee has the following options when issuing the Decision Notice:
- i) To modify the conditions of the Premises Licence (modify includes adding new conditions and altering or omitting existing conditions),
  - ii) To exclude a licensable activity from the Premises Licence,
  - iii) To remove the Designated Premises Supervisor from the Premises Licence,
  - iv) To suspend the Premises Licence for a period not exceeding three months, or
  - v) To revoke the Premises Licence.

- 5.4 National Guidance Section 11.18 states:

"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response."

## **6. CONTACT OFFICERS**

- 6.1 Steve Cobb, Senior Licensing and Enforcement Officer – 01462 474833